

## RELUCTANT WITNESS TO PLURALISM IN EARLY AMERICA

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THE CHURCH-STATE provisions of the first state constitutions were indeed incomplete. Taken together, they were also disparate. In many cases the consensus which stood behind these provisions is not easily constructed. This is particularly true where the provisions and controversies following them were not as clearly drawn as they were in Massachusetts. In this state, financial aid to the clergy, a favored position for the Congregational Church, and other features of establishment were carried out. The progressive modification of consensus, which ultimately terminated establishment, is plain for the historian to see.<sup>1</sup> The thoughts of those who lived with the practices derived from vaguer constitutional provisions in other states are not easily discovered. What did clauses recognizing God the Creator, venerating the Bible, or professing Christianity mean to citizens living under constitutions with such provisions? While they rejected establishment of the Massachusetts type, to what were they clinging? Since the provisions of these other states were incomplete and vague, were there aspirations for a more exact collaboration of Church and state?

The Maryland Constitution raises such questions. This document was the work of wartime conditions. The separation from the mother country inevitably affected the separation of her Established Church from the new state. The whole intent of the members of the Maryland Constitutional Convention was to be friends of religion and to all of its denominations in Maryland. They therefore favored the religion of Marylanders and required profession of belief in Christianity by officeholders. To their mind it would appear that all denominations were equal before the law. They testified to this friendship and impartiality by leaving the door open to financial aid to the clergy of all denominations. Yet the state could not tamper with belief and conscience in the citizen, even though it might give friendly aid to

<sup>1</sup> Jacob C. Meyer, *Church and State in Massachusetts from 1740 to 1833* (Cleveland, 1933).

churches. They thus believed that they had constructed an arrangement approximating what might be called an example of eighteenth-century pluralism.<sup>2</sup>

Such a constitution did not please everyone. There is evidence that some had hoped that the old establishment would continue in a modified form. At the other extreme were those who resented any recognition of Christianity at all. These extremes were the easier formulations of dissent. There did not seem to be any support for the view of absolute separation of the state from religion and from Christianity. Efforts at an established Church were attacked and defeated.<sup>3</sup>

The more tangled area of dissatisfaction between these extremes centered in the hope of others that somehow the state could be a better friend of true religion. The constitution had their support, but its brand of pluralism was too limiting. They could not agree on a formula for state aid to the clergy which would be impartial in practice.<sup>4</sup> Undoubtedly, many had proposed other gestures of friendship, and some of these would require amendment of the constitution. Few if any of these matters reached the stage of public formulation. Pervading this dissatisfaction, however, were broad understandings about what good religion held for society through the instrumentality of the state. Examination of these understandings and the few proposals following from them throws light on the nature of the little-expressed dissatisfaction of these reluctant witnesses to eighteenth-century pluralism.

One writer did explore this dissatisfaction in a published work in 1795. William Duke (1757-1840), an Episcopal clergyman, published in that year *Observations on the Present State of Religion in Maryland*.<sup>5</sup>

<sup>2</sup> *Proceedings of the Convention of the Province of Maryland, Held at Annapolis, in 1774, 1775, & 1776* (Annapolis, 1836); hereafter referred to as *Proceedings of Convention*.

<sup>3</sup> William Vans Murray expressed an absolute separationist view. See Alexander De Conde (ed.), "William Vans Murray on Freedom of Religion in the United States, 1787," *Md. Hist. Mag.* 50 (1955) 282-91. Patrick Allison, a Presbyterian, as *Vindex*, published *Candid Animadversions on a Petition, Presented to the General Assembly of Maryland and by the Rev. Dr. William Smith* . . . (Baltimore, 1793). William Duke agreed to the attack by Allison, at least in part, where Allison contended a Protestant Episcopal group sought a favored position before the law.

<sup>4</sup> John Carroll to Charles Plowden, Feb. 27, 1785 (Washington, D.C., American Catholic Historical Association, John Carroll Transcripts). Duke makes the same observation. See *infra*, p. 386.

<sup>5</sup> Baltimore: Samuel & John Adams, 1795; hereafter referred to as *State of Religion*.

He put down how well religion fared but especially how it affected the improvement of society. In accounting for the limitations found in Maryland in these matters, he analyzed the nature of that society, particularly in conjunction with the state. He made some recommendations which to him stood justified in the light of his analysis and observation of conditions. The work was not necessarily a monument of Church-state literature, but it was a witness on a matter where few are found, and there is reason to believe that he was representative of an important element in the thought-life of the Revolutionary Era.

Duke's way of life helped him become a profitable observer of conditions of his times. He lived as a Methodist within the Church of England before the formation of the Protestant Episcopal Church, serving as a circuit rider in his younger days. Following the example of other preachers, he kept a journal of daily happenings in the city of God and the city of man. A Commonplace Book, also kept by him, testified to his artistic inclination, which made him a more sensitive observer. This quality benefited the expression in his Journal and in his published work of 1795.<sup>6</sup>

William Duke embodied a vigorous intellectualism, which was revealed in his Journal and Commonplace Book. It was not surprising that, after a number of years with these writings, he should turn to a philosophical analysis of his experiences in the cities of God and man in his *State of Religion in Maryland*. It was time to test the effect of the Maryland Constitution's provisions for pluralism. In doing so he revealed the nuances of meaning in the term as applied to the eighteenth century.

While Duke's approach was empirical, as a good witness, he was theoretical, however, in the manner that pervaded his discussion of tangible evidence. Unlike the makeshift treatment of Church-state matters by politicians at the Maryland constitutional convention, Duke clearly discerned the theoretical assumptions behind the pluralism in which he lived. His own assumptions were not prominent, but neither were they concealed or elusive. In general, they were more

<sup>6</sup> Duke's Journal and Commonplace Book, together with some of his correspondence, are in the Diocese of Maryland Collection at the Peabody Library, Baltimore, Maryland. Other letters are in the Ethan Allen and related collections of the Maryland Historical Society, Baltimore.

closely tied to the old understandings of the Establishment before the Revolution. He found that these familiar assumptions and references made good devices for arriving at critical judgments on the new order. He also placed his own understandings of Church and state under scrutiny, in the light of experiences with the new pluralism. Since he was not hasty in abandoning older ideas, there was a reluctance in his approach to the new, which reflected a critical mind.

In addition to his value as an observer and analyst of conditions which dissatisfied many, there is evidence that Duke's formulation in the *State of Religion* was representative of a significant group. His position and relationships within the Protestant Episcopal Church bore this out. This was the most numerous denomination in Maryland; and Duke was well received among them, particularly by Bishop Thomas J. Claggett. Inasmuch as Claggett came to his office by popular support of the clergy and laity, what Duke had to say about religion in Maryland would indicate how much this denomination tended toward Duke's outlook. In his correspondence with Duke, Claggett expressed much criticism. At no point, however, did he take issue with the general tenor of Duke's system of thought. Claggett said that Duke proved too severe in his judgment on the condition of the clergy before the Revolution and on the state of the Church before 1800. The circumstances of this correspondence demanded that Claggett take serious issue with key assumptions of the *State of Religion*, had he found them otherwise greatly out of harmony with himself and his Church.<sup>7</sup> This was particularly true regarding Church-state matters.

Duke's own reference to coreligionists who were likewise dissatisfied with the Maryland Constitution gives further evidence of the representative character of the *State of Religion*. Many of them, Duke tells us, intended to give their religion an official status with the new state as the predominant faith [37].<sup>8</sup> This would mean implementing doctrinal professions and favoring a form of worship according to certain Anglican traditions, as Duke himself was recommending, even though Duke would stop short of their goal of an establishment. Their further provision, however, of financial aid was unsatisfactory to him [37].

<sup>7</sup> See Duke to Claggett, June 29, 1795 (Baltimore, Md., Md. Hist. Soc., Allen Collection), where he gave the substance of Claggett's criticism of his *State of Religion*.

<sup>8</sup> Page references [in brackets] to *State of Religion* are given in the text of the article throughout.

Whatever form of modified establishment was taking shape in their mind was justified by much of the reasoning developed by Duke, which passed far beyond the matter of group privilege to the good of society itself under aristocratic leadership.

Finally, the fact that Duke was a Methodist within the Protestant Episcopal Church gives further evidence of the representative character of his witness to Maryland religious and legal conditions. In a sense he spoke for Methodists as well as Episcopalians. The Wesleyan movement retained a strong, evangelical reform flavor in Maryland in the Methodist Episcopal Church, now made up of those who did not follow Duke's example of staying within the old Church structure. It was not alien to this spirit to have government the instrument of reform. There is evidence that they would have gone along with state financial support to their clergy, but they feared the power of the numerically superior Episcopal clergy, who would also benefit from such legislation.<sup>9</sup> Methodist espousal of evangelical Christianity certainly inclined them toward much of Duke's treatise, which stressed this matter.

In choosing to speak out on Church-state shortcomings, Duke became involved in the evolution of pluralism. Maryland illustrated this process. The United States Supreme Court only a few years ago struck down an old Maryland constitutional practice requiring profession of belief by officeholders, viewing it as an embarrassing relic of the past and an offense to contemporary pluralism.<sup>10</sup> Today's boast of pluralism must point to the equality of all religions and systems of thought before the law, as well as an open market of free expression. Duke assumed that this was the condition of things in Maryland, to a great extent, after the Constitution of 1776. The favored position of Christians did not seem practically to deny pluralism, since there were few who were not Christians. When others made the state aware of themselves, then something could be done, as happened with Maryland

<sup>9</sup> John Carroll to Plowden, Feb. 27, 1785 (John Carroll Transcripts).

<sup>10</sup> *Torcaso v. Watkins*, 367 U.S. 488-96 (1961). Torcaso refused to sign a profession of belief in God as a requirement for the office of notary public. "The fact . . . that a person is not compelled to hold public office cannot possibly be an excuse for barring him from office by state-imposed criteria forbidden by the Constitution. . . . This Maryland religious test for public office unconstitutionally invades the appellant's freedom of belief and religion and therefore cannot be enforced against him" (*ibid.*, 495-96).

Jews by 1830.<sup>11</sup> So long as no specific denomination held a favored position, establishment as it was then understood did not exist.

Bishop James A. Pike recently suggested that our own day might possess a similar blind spot while boasting of pluralism. Before a United States Senate committee, he argued that nontheistic Secular Humanism, as a result of court and governmental action, was winning a favored position.<sup>12</sup> Perhaps such an outcome is inevitable in any age and must be endured. Duke seemed to have taken this for granted. Pluralism is analogous to the society which strives for it. It is clear that the striving for pluralism is part of every age in American history and in America's quest for liberty with order. Duke helps in a portrayal of the first of such strivings under constitutional auspices in 1776 in Maryland.

The pervading implication of Duke's Church-state criticism was that it led to religious unity in the state. Without rejecting tolerance from what he judged good for the state, he clearly espoused growing conformity. "I am sorry to say," he frankly stated, "that the most obvious feature in the face of Maryland, as a christian state, is diversity" [13]. This unhealthy tendency had spread since the Revolution [14]. As a consequence, an independent development of the sects of Christianity was beyond any guiding evangelical spirit such as he had asked the state to foster. He wanted this dilution of Christianity stopped and his program held out hope of doing so.

Duke did not deny that a reform spirit was abroad—some of it truly evangelical; but it was indecisive because of the prevailing pluralism. "When the abrogation of the former government annihilated all political advantage," he said, "and put the several denominations of Christians in Maryland upon equal footing, they presently began

<sup>11</sup> See Article 35, *Proceedings of Convention*, p. 315, where profession of Christianity is stated as a requirement of officeholders. For a discussion of the Etting Case and other instances leading to the end of discrimination against Jews, see Benjamin H. Hortogensis, "Unequal Rights in Maryland since 1776," *Publications of the American Jewish Historical Society*, no. 25 (1917) 93-107.

<sup>12</sup> U.S. Senate, Committee on the Judiciary, *Prayers in Public Schools and Other Matters* (87th Cong., 2nd Sess., July 26, and Aug. 2, 1962) pp. 56 ff. For a discussion of the problem of neutrality by the present writer, see "Revised Pledge of Allegiance," *U.S. Congressional Record* 108 (Mar. 21, 1962), A 2176-77. In the Torcaso Case (*op. cit.*, p. 496) the Supreme Court listed Secular Humanism "among religions in this country which do not teach what would generally be considered a belief in the existence of God."

to calculate the interest and ability of each other with respect to a competition in which they were left entirely to themselves" [35]. This competitive situation, which was somewhat political, tended to mislead the reform spirit. There was no question that some changes in pre-Revolutionary Church-state arrangements were necessary. In any changes there would be "the usual risque of quarrelling about means and method" of reform [17]. This inevitable problem was greatly aggravated by the extreme diversity which Maryland pluralism encouraged. The reformers of all parties became thus confronted with irony in their religious zeal. "We become the more dissonant," Duke concluded, "as we become the more religious" [14].

In the face of this irony, Duke found what he believed to be the nub of the religious problem in Maryland. "The question is, not whether controversial religion is better than no religion," according to him, "but whether the morality produced by the undisturbed operation of an evangelical system, is not purer than that which is in any measure generated by the collision of parties, and the intemperate stir of religious animosity" [48]. Collision seemed humanly unavoidable. Most people were unable to disassociate a person from that person's opinions, so that abhorring the one, he inevitably abhorred the other. Worldly interest, too, was often at work in the religious affiliation which one made. In these circumstances nothing but strife was to be found. Duke believed that he had an alternative to all of this.

If his alternative was rejected, however, he would still reluctantly conform to Maryland's imperfect condition of factiousness, rather than eliminate all play of religious forces in society. "If indeed, the mischiefs of religious quarrelling," he thought, "were equal to those of infidelity, we should oblige the world and relieve ourselves, by throwing aside the bible and superseding every spiritual concern with, *what shall we eat and what shall we drink, and wherewithal shall we be cloathed?*" [2]. Hence Duke collaborated with the supporters of pluralism, rather than deliver society to secularization or infidelity. He hoped to win his fellow citizens over to a modification in favor of a religiously unitary condition for society and the state.

William Duke had to find some common grounds of discussion with those who made no complaints about Maryland's Church-state ar-

rangement. He saw that all could agree that religion was necessary for the well-ordered state.<sup>13</sup> He then demanded that it was logical to examine the means that would lead to an improvement in the quality of that religion and thus improve the state. Those satisfied with the *status quo* had to show that the present policy of the state proved to be the best means that it could employ. In opposing this view, Duke had to put down what he believed to be good and better conditions for religion in Maryland society. He had to indicate what changes were to be made in the existing policy, so that the quality of religion in society would be improved.

A definition of religion was thus in order, as Duke pursued his discussion. In what does true religion consist? "There is a sense of divine authority," he explained at the beginning of *State of Religion*, "and an excitement of conscience produced by religion that mends the moral dispositions . . ." [6]. While true religion consists of an interior condition which one may discern, its nature can be further verified externally. From good moral dispositions necessarily come virtuous actions, whether temporal, civil, or entirely religious [6]. Throughout his treatise Duke adheres confidently to this combination, willing to test the interior by exterior criteria. One would seldom find—certainly he never had—an externally virtuous man without the suitable internal components [32].

A mending process is a key factor in the internal disposition of true religion. Passions disordered man and some new influence had to be introduced into his psychological composition. Mere knowledge would not bring about the desired change. "A sense of the divine authority would mitigate the force of passion and introduce interior order" [6]. This is both effect and essence for Duke. "A habitual sense of the Divine presence," he states, "is the essence of religion" [12]. Quite clearly there is a quarrel here with the deist, who would admit of no need for mending; even if it were required, it would not come from on high and from sources beyond man's natural endowments. Reason and natural understanding are force enough against passion, according to deists; knowledge is virtue. Not so with Duke.<sup>14</sup>

<sup>13</sup> This is best represented by Article 3 of the Northwest Ordinance, passed July 13, 1787: "Religion, morality, and knowledge, being necessary to good government and the happiness of mankind . . ." etc. (Henry S. Commager, ed., *Documents of American History* [New York, 1958] p. 131).

<sup>14</sup> Recent scholarship has successfully distinguished between liberal Protestant theology



"I would suppose," Duke reflected, "a nation that properly maintains a religious character, to derive it from a higher source than any natural sentiments or merely moral sense . . ." [7]. "The theory of natural religion, of itself," he wrote, "never attains what St. Paul calls a *spiritual mind*, nor produces the affections of conscious acceptance and favour with God" [6]. Such affections and consciousness alone mend the character of man. "Mankind is not quite rational enough," he thought, "to be reasoned into a love of virtue . . ." [45]. Instead, enlightenment and the internal movement, to act virtuously, must claim a greater source than natural reason.

From the general tenor of Duke's writings, however, one would be slow to impute anti-intellectualism and voluntarism to him—which some of his remarks suggest. He reflected the sophisticated discussion on the nature of true virtue which we find in Jonathan Edwards.<sup>15</sup> He had, in addition, that concreteness of morality and theology which Benjamin Franklin expressed so naturally in his *Autobiography*, particularly where Franklin recalled his first experiences with deism in England. Experience taught, Franklin believed, that moral conduct required more than what a system of straight rationalism prescribed.<sup>16</sup> In the face of the charge of deists, Duke accepted a felicitous distinc-

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and deism in a way that was lost on Herbert M. Morais, *Deism in Eighteenth Century America* (New York, 1934). See H. Shelton Smith *et al.*, *American Christianity* 1 (New York, 1960) 485–88. Duke confirms this interpretation in his references to deists and Universalists in *State of Religion*. If liberals within the various churches were identified in his mind with deism, he would have expressed greater anxiety at the large numbers that such a complex would thus have possessed. As it was, he did not find them numerous or influential in Maryland. See *ibid.*, pp. 8, 31–32.

<sup>15</sup> Jonathan Edwards, *The Nature of True Virtue*, ed. William K. Frankena (Ann Arbor: Univ. of Michigan, 1960) p. 12: "It is impossible that any one should truly *relish* this beauty, consisting in general benevolence, who has not that temper himself." Duke was involved in many of the difficulties in eighteenth-century American thought which Joseph G. Haroutunian analyzes in *Piety Versus Moralism* (New York, 1932). The New England theology of virtue, with which Haroutunian is primarily concerned, seeks a clear sign which puts the elect's act of virtue securely above the mere moral virtue of the deist. This is the context of the above citation from Edwards. However, Duke implies that "relish" or some other subtle sign may not be discernible, and he is willing to use pragmatic results in external acts in order to determine a life of true virtue, regardless of what one's individual acts might be.

<sup>16</sup> "Revelation had indeed no weight with me, as such," he wrote, "but I entertain'd an Opinion that, tho certain Actions might not be bad *because* they were forbidden or good *because* it commanded them, yet probably those Actions might be forbidden *because* they were bad for us . . ." (*Benjamin Franklin's Memoirs*, Max Farrand, ed. [Berkeley, 1949] p. 148). Franklin does not seem to write as a deist in this passage.

tion, expressed by him in another and slightly different context, where he discussed the child's religious psychology in learning and practice. He said that they should be instructed "both rationally and religiously." "A deep sense of divine things to govern their tempers," he believed, should be joined to the language which forms rational opinion [46]. Duke was not contemptuous or cranky with deists. They simply did not go far enough. He even allowed that they might conceivably achieve their goal of virtue. Their "notices of the outlines of the knowledge of God," as he called their philosophy, only paved the way, however, to "all those virtuous and sublime sentiments which we actually derive from revelation . . ." [6].

Because Christianity possessed divine revelation, particularly in the word of God in Sacred Scripture and in the worship Scripture inculcated, it promised to satisfy the need of true religion in the state. A wide diffusion of this higher religious life held great promise. "The private business of a Christian people," Duke concluded, "in all the modes of domestic and civil life, retains a savour of that holy unction whereby they were first set apart, as God's peculiar people, and are still preserved from the evil that is in the world" [12]. It did not seem to Duke that he had to prove the superiority of Christianity in accomplishing this renewal of society. The majority of his remarks on this topic threw the burden of proof on deism and that broad category of opinions he called infidelity. Yet he did not judge these views on dogmatic grounds but from their pragmatic effects on the lives of those who adhered to them. Deists could not object to such reasoning. The latitude of their theological position would even allow them to tolerate the state's special encouragement to religious practices which might go beyond their own recommendations and the prevailing brand of pluralism expressed in Maryland law, so long as improvement in public morals resulted. Duke had only to show them that his recommended practices had this effect. He thus had some minimal understanding and agreement with deism and infidelity.

To understand how Duke hoped to win his case on the pragmatic grounds of good results, one must enter into his analysis of the society in which he found himself. There were no sociologists as such in his day, but his assumptions, drawn from his own informal sociologizing,

were impressive as they occasionally protruded above the surface of his eighteenth-century manner of discourse.

William Eddis, the Maryland colonial customs official, had described the moderating influence of a political elite during the overthrow of the royal government and the period of constitution-making.<sup>17</sup> Conservative Federalism was known to prevail in Maryland by force of the aristocratic gentry which dominated politics. The ethos of this class, which was portrayed in English and American literature of the seventeenth and eighteenth century, gave Duke confidence that he might appeal to substantial numbers among them to play the role of leaven in the new revolutionary society.<sup>18</sup> He illustrated this process of religious influence in one passage where he explained the role of the magistrate in administering the oath: "The ministers of civil justice will make use of the occasion that their office suggests, of inculcating that idea of the divine government upon which our political as well as spiritual safety depends." "Thoughtless or profane people" will in these circumstances take on a more serious attitude toward the "inviolable honour of the Deity" [12].

Apparently Duke found such a core of adherents to true religion. While they should be in all areas of public life, it was especially important that they should hold positions in government. In this way the "christian state" to which he referred would become a fact. He believed, however, that something more than the personal magnetism of an aristocracy of virtue was required. Government, the chief organ of society, must become instrumental and must positively foster religious life. One senses the psychological factors Duke felt were at work, even though he did not specifically explain the necessity of government as an instrument in the hands of an aristocracy. If evangelical Chris-

<sup>17</sup> *Letters from America, Historical and Descriptive: Comprising Occurrences from 1769 to 1777, Inclusive* (London, 1792) pp. 210-12.

<sup>18</sup> Edwin H. Cady, *The Gentleman in America* (Syracuse, 1949), presents a good general view with early American examples. The inner manifestation ("covert configuration") of the class held out the idea of leadership in society as a moral obligation. The Maryland Constitution's property restrictions on franchise and public officeholding made political influence a preserve of this class. Federalists, who dominated this class, controlled Maryland politics until 1800. See Philip A. Crowl, *Maryland during and after the Revolution* (Baltimore, 1943) pp. 153 ff., where the author discusses the ascendancy of the conservative Federalists in the Ratifying Convention of 1788.

tianity was not officially endorsed, the lesser folk would not be impressed with an aristocracy of virtue. The aristocracy itself would also be deprived of a useful source of motivation, which came from governmental recognition in religious matters.<sup>19</sup>

The Maryland Constitution had already given some religious color to the ruling aristocracy and to others who were gradually having a voice in the political life of Maryland. The ancient practice of the oath of office, the public officeholder's official profession of Christianity, and provision for support of the clergy by the state made this clear.<sup>20</sup> While Duke was anxious for reform and confident that an elite of citizens could accomplish it, he was at the same time moderate in his dissent from this existing pluralism, friendly though it was, which seemed to stand in the way [53]. Yet he would not go as far as the Constitution would allow regarding financial aid to the clergy by the state. Some Episcopalians had urged a more direct relationship with the government for their denomination, but Duke opposed them. "I have thought ever since the revolution," he said, "that if the Episcopalians would adopt a more independent scheme of church-policy, they would comport better with our civil constitution, give less offense to other societies, and manage their own affairs with more advantage" [37].

This statement was in the context of a predominance given a single denomination. A second type of predominance was found in a form of religion which many sects and churches might profess. This he advocated, urging the state to favor an evangelical form of Christianity. It was in this connection that he spoke of "the common profession" [8]. Such a profession would prevail against the profane by force of the "virtuous part of the community." While Christianity was the legal profession of the state, Duke would make it more specific as evangelical Christianity. This led him to dissent, therefore, from the existing form of pluralism and to require further provision for profession of evangelical Christianity together with a means for inculcating a compatible form of worship.

Profession of Christianity in a vague way did not meet Duke's standards. Actual confessions of faith, which "particularize its be-

<sup>19</sup> See *State of Religion*, p. 8, where Duke explains that under these favorable conditions "profaneness will dissemble itself, and rather submit to the imputation of temerity and folly, than venture to dissent from the common profession."

<sup>20</sup> Article 33 of the Declaration of Rights, *Proceedings of Convention*, p. 314.

lief," were required. Duke found that such confessions provided something more than monuments to orthodoxy. They were, he said, "so many concurrent indexes directing the religious inquiries of any professor who wishes, not only to believe, but as far as the nature of the case will allow, to understand what he believes" [8]. This practice, he believed, further gave "a public character of religion" and secured "the most precious and durable benefits of christianity" [8]. In fact, Duke felt that the perpetuation of Christianity depended upon clear statements of creed, "as a monument of its reasonableness and sublimity . . ." [26]. It would seem that all of this was necessary and a consequence of the first step taken by the Maryland Constitution, when it required profession of belief in Christianity by a holder of public office; it was time to state more precisely for the citizenry the creed behind that profession.

Undoubtedly, in the past, controversies had developed out of laws which particularized belief [7-8], but these and other difficulties could be overcome. "Every protestant church, and their confessions," Duke believed, "harmonize very well in the more important doctrines of Christianity . . ." [8]. Duke made it very clear throughout his treatise that the only dissenter from one of these professions would be adherents of infidelity. He did not indicate the details of such a profession, but he implied that few Christians could in good faith reject it. Duke seemed unaware of the handful of Maryland Jews in his reasoning. As a result, he had only to justify offending professors of infidelity. He felt no need of elaborating his case here. Maryland clergy, in general, viewed deism and infidelity as a conspiracy to take over the government and secularize society.<sup>21</sup> To hold public office was not a right but a privilege in the eighteenth century, religion being only one reason for exclusion. Some deists might benefit from the ambiguities inherent in all Christian creeds and, as latitudinarians would do, read their own meaning into the articles. Duke would willingly allow for this, confident that his elite would predominate in society and in the government.

The elite, however, needed the assistance which public professions

<sup>21</sup> See, for example, Duke, *State of Religion*, pp. 12-13, 31-32; Chester Parish Vestry Record, March 14, 1780 (Baltimore, Md., Md. Hist. Soc.); Thomas Claggett to William Duke, Sept. 26, 1796 (Allen Collection, Md. Hist. Soc.); Minutes of the Lewes Presbytery, Oct. 15, 1782 (Phila., Pa., Presbyterian Hist. Soc. Library).

gave them in acting as a leaven of society. Those imbued with the true spirit of religion would confront the public as a whole, when it was instructed and thus prepared in a preliminary way to benefit from their guidance. "They have advanced the knowledge of the gospel," he said of former state confessions of belief, "with a degree of exactness and efficacy, unknown since its first propagation" [7-8]. The elite thus would have a good start, when the general aspect of society bore an initial religious mark. "I conclude," Duke stated, "that a confession of this sort goes a great way towards a public character of religion, and paves the way to such instruction as secures the most precious and durable benefits of Christianity" [8].

Once Duke established a policy which brought general acknowledgment of Christianity's essential truths, he deemed it necessary and only natural that a form of worship should likewise receive special favor [9]. Though the state professed a "common religion," there would be no vital exercise of it without worship. Maryland legislation from time immemorial had fostered observance of the Sabbath and the new constitution did not change this tradition. Duke felt that this observance was "interwoven with the design of christianity . . ." [13]. But the observance of the Sabbath was empty unless true worship was promoted according to the design of the gospel. "The keeping of the sabbath holy becomes a queer piece of business," he observed, "and is presently laughed out of countenance, as one of the superstitions of old times" [12]. In view of Duke's conservative estimate of human nature, some form of official prodding toward the true form of worship was necessary. "Human nature," he explained, "even in the truly religious, is ever ready to deviate, to loiter and to admit an affection almost for any object that offers" [11].

"A form of worship being thus constituted," Duke concluded, "with a most sacred regard to the economy of grace, I must further suppose that it would be attended with such frequency, such zeal, and such decency, as would carry its design into effect" [10]. Again the context of the society he knew made his suppositions plausible. Official sanction of the worship professed by the elite, who functioned as a nucleus in the socially and politically ruling aristocracy, would bring a moral suasion to bear on all members of society. There was a strong residue of such conformism in ordinary folk who had lived

under an establishment and a ruling aristocracy; and there was no preponderance of adherents to Dissenter Protestantism in Maryland. Duke, however, did not wish to enforce conformity according to old coercive devices of the Established Church of England; at the same time some unitary principle was desirable.

Exactly how "a form of worship being thus constituted" would work out in practice was not fully developed in Duke's *State of Religion in Maryland*. In context as well as in direct statement, he called for an officially sanctioned confession of worship [9]. Here the same reasoning applied which supported the use of confessions of belief by the state from time immemorial. Public sanction of a form of worship, Duke was convinced, "paves the way to such instruction as secures the most precious and durable benefits of christianity" [8].

How far would Duke carry modification of the Church-state arrangement in Maryland? Certainly not back to the old Established Church of England form nor forward to the Massachusetts exemplification of establishment. Very clearly he envisaged no exclusive conformity in terms of one of Maryland's several churches. At the same time he was tampering with the broad provisions for favoring the Christian religion which were originally intended to embrace all of the churches of the state. When Duke chose to go beyond this and to specify the form of Christianity that should be most favored, he was inevitably taking a stand with a particular tradition of that religion. The existing churches based their individuality on these differing traditions. Special favor to one of them, even under the name of *evangelical Christianity*, meant favoring a group within a particular church. The measures Duke was recommending, then, and the grounds of his dissent clearly placed him beyond the pale of Maryland's eighteenth-century pluralism as expressed in Maryland's Constitution, whose enactments were specifically calculated to avert such special favor to any of the forms of Christianity.

It is not clear how far he would proceed with requirement of belief. Some states had reference to acceptance of the Bible in their professions, or the truths of Protestantism. But Duke surely called for more than this—possibly for a Trinitarian formula. Even allowing for the latitudinarian device of nominal compliance, an infringement of pluralism would result from such a formula, as even these other states

realized. The authors of the Maryland Constitution evidently sensed an infringement in the further demands which Duke made. Prescribed worship, even by reference to a broad category, created even greater difficulty. It seems that one might honor the name of God and the Bible in the Constitution without offense to the contemporary sense of pluralism. To enumerate beyond a general statement of belief, however, and suggest religious practice was regarded as improper.

The result was that Duke was carried beyond the edge of consensus to a position which made him a dissenter. His posture was one of reluctance, because he was aware that his starting point was within the consensus in terms of the constitutional provision for profession of Christianity. He was dissatisfied that Marylanders would not carry out the fuller implications of this profession, departing, if needs be, from the confinements of eighteenth-century pluralism.

William Duke in his *State of Religion in Maryland* tells a great deal of the tension in principle and thought that lay beneath the surface of the consensus formalized in Maryland's law. It was from this tension that the pluralism of the time evolved. Much of the tension was retained, particularly beyond the edge of consensus, from which Duke's voice came. He implicitly raised the issue of freedom that lay beneath Church-state positions. Like many others, he was unaware how much religious authority his systematic thought gave to the state. The factiousness he feared was not as inevitable nor so great as he believed. The details of interfaith relations during the Revolutionary Era give solid evidence of this fact.<sup>22</sup> Duke's expanded state authority was equally as inevitable and promised to be more deleterious than the dreaded factionalism which pluralism allowed.

Acquaintance with the mind of Duke leads to an understanding of the majority of certain other states. Some of these continued with a modified established Church; others did not pass so far beyond pluralism as Duke would want. The forces of secularism and infidelity, to Duke's mind and to these citizens of other states, would militantly

<sup>22</sup> From representative manuscripts of all the denominations of Maryland in the Revolutionary Era, the present writer has found a significant decline of factiousness and an increased understanding and acceptance of principles of peaceful relations among the denominations; cf. "The Emergence of Pluralism in the United States," *THEOLOGICAL STUDIES* 23 (1962) 207-32.



carry the Church-state settlement far out of harmony with the religious consensus of the times. Such a secularist minority, they feared, would divorce religion from social and political life and fix their own dogma on institutions of the day under the guise of a neutral policy. Hence, the desire for a strong posture by Duke and these men made them critical of too broad a pluralism, since it was not defensive enough.

These establishments of other states and positions such as Duke's offend contemporary understandings of pluralism and commitments to it. Upon more mature consideration, it is clear that American pluralism has been and probably will continue to be a process. Duke and his era were in a stage of that process. Because his "Observations," as he called them, flowed from experience through a critical mind, they reflected the process and contributed to it, thereby serving human freedom.

William Duke's thought structure regarding Church and state was somewhat incomplete. At the same time, certain conclusions can be made and implications found in them. Certainly he believed that there must be an official profession of evangelical Christianity, and would demand that sufficient legal detail be given to such a profession, so that the term "evangelical" had practical meaning. Legal formulations of articles of belief were required to assure such public understanding. Finally, he brought up the whole matter of an official form of public worship and demanded that legal provision be made for fostering it along lines set down by the evangelical Christian articles of belief.

Such a stand as this was substantially different from the Maryland Constitution. It cannot be called a resurrection of the old Established Church of Colonial Maryland, nor a regional version of the State of Massachusetts's Established Church. Duke also passed beyond the North Carolina Constitution, which provided for profession of the truths of Protestantism.<sup>23</sup> How many people were dissatisfied with these constitutions for the same reasons which Duke enunciated? Furthermore, how many people in other states with pluralism of Maryland's type or broader, thought along the lines of Duke in their criti-

<sup>23</sup> See, for example, provisions in the constitutions of North Carolina, New York, and Massachusetts, in Francis N. Thorpe (ed.), *The Federal and State Constitutions* (Washington, 1909) 5, 2793, 2636-38; 3, 1889-90.

cism? In all of this Duke provided guidelines to the construction of a major area of thought found among a significant number of early Americans.

Two other questions raised by Duke are well on the way to settlement with regard to Maryland but should be examined elsewhere. His dim view of pluralism as an open door to factiousness has proven aprioristic and unwarranted by the facts in Maryland.<sup>24</sup> His sociology of religious leadership needs further study, not so much in Duke himself as in other writers and in application to other regions.

<sup>24</sup> Hanley, *art. cit.* (supra n. 22).